

board of county commissioners to cover copying and mailing costs.

(f) **Staff.** The department of planning shall be the professional staff of the planning commission.

(g) **Quorum and necessary vote.** No meeting of the planning commission may be called to order, nor may any business be transacted by the commission, without a quorum consisting of at least three members of the commission being present. The chair shall be considered and counted as a member. The concurring vote of at least three members shall be necessary for the commission to take action on major or minor conditional use applications, final plat approvals, amendments to the text of this chapter or to the official land use district map. All other actions shall require the concurring vote of a simple majority of the members of the commission then present and voting.

(h) **Meetings, hearings and procedure.**

(1) Regular meetings of the planning commission shall be scheduled beginning January 1 of every calendar year for twice monthly and as required by a majority of the board of county commissioners, the chair of the planning commission, or a majority of the members of the planning commission. However, no regular meetings shall be scheduled for the month of August.

(2) The regularly scheduled (bi-monthly) meetings shall be held in Marathon or an appropriate location in the middle keys. All items which relate to specific properties such as but not limited to minor and major conditional uses, variances and administrative appeals, shall be held at the regularly scheduled meetings. The planning commission may, in its discretion, schedule special meetings in the upper and lower Keys subarea as required by the demand for such meetings. In cases where an item is postponed due to the lack of a quorum of the planning commission, the item shall be continued to a special meeting to be held within seven working days. In cases where an item is postponed for any other reason, the item shall be continued to the next regularly scheduled meeting. Items which are not related to specific properties, such as but not limited to text amendments to this chapter and comprehensive plan amendments, may be heard in Marathon or the planning commission may, in its discretion, schedule such items for the most appropriate area or for additional meetings in each subarea.

(3) All meetings and hearings of the commission shall be open to the public.

(4) Public hearings shall be set for a time certain.

(Code 1979, § 9.5-22; Ord. No. 33-1986, § 4-102; Ord. No. 19-1989, § 1 (PD27); Ord. No. 39-1989, § 3; Ord. No. 46-1996, § 1; Ord. No. 013-2003, § 1; Ord. No. 014-2003, § 1; Ord. No. 007-2006, § 2; Ord. No. 007-2007, § 1; Ord. No. 045-2007, § 2)

Sec. 102-21. Department of planning.

(a) **Duties; composition.** The department of planning shall perform the planning functions for the county and shall provide technical support and guidance for action on applications for development approval and shall perform such other functions as may be requested by the board of county commissioners or the planning commission. The department of planning shall be composed of a building division, development review division, division of capital improvements planning, division of environmental resources, a division of land use planning and a division of code enforcement.

(b) **Director of planning.**

(1) **Creation and appointment.** The director of planning shall be the department head of the department of planning and shall be selected by the county administrator and confirmed by the board of county commissioners.

(2) Jurisdiction, authority and duties. In addition to the jurisdiction, authority and duties that may be conferred upon the director of planning by other provisions of this Code, the director of planning shall have the following jurisdiction, authority and duties:

- a. To serve as staff to the planning commission and to inform such body of all facts and information at his disposal with respect to applications for development approval or any other matters brought before it;
- b. To assist the planning commission in the review of the plan, including the capital improvements program, these regulations and proposed amendments thereto;
- c. To maintain the official land use district map and to make an annual presentation of the map to the board of county commissioners for certification;
- d. To maintain development review files and other public records related to the department's affairs;
- e. To review, or cause to be reviewed, all applications for major conditional use and plat approval;
- f. To review and approve or disapprove applications for minor conditional use permits;
- g. To recommend amendments to the plan and this chapter;
- h. To render interpretations of the plan, this chapter or the boundaries of the official land use district map;
- i. To evaluate and act upon claims of nonconforming uses and structures;
- j. To work to coordinate all local, regional, state and federal environmental and other land development permitting processes affecting development in the county;
- k. To plan for and evaluate all transportation improvements for the county, and coordinate such activities with the Florida Department of Transportation;
- l. To issue certificates of compliance and sign preapplication conference letters of understanding in accordance with the procedures set forth in the plan;
- m. To enforce any provision of this chapter or any other provision of this Code;
- n. To establish such rules of procedure necessary for the administration of his responsibilities under the plan; and
- o. Whenever requested to do so by the county administrator or the board of county commissioners, with the assistance of other county departments, to conduct or cause to be conducted surveys, investigations and studies, and to prepare or cause to be prepared such reports, maps, photographs, charts and exhibits as may be requested.

(3) Minimum qualifications. The director of planning shall have the following minimum academic and professional qualifications:

- a. Master of urban or regional planning or public administration or comparable degree from an accredited university;
- b. Ten years' experience in public administration or land planning; and
- c. Five years of supervisory experience.

(c) Development review coordinator.

(1) **Creation and appointment.** The development review coordinator shall be a member of the department of planning and shall be selected by the director of planning and report to the county administrator through the director.

(2) **Minimum qualifications.** The development review coordinator shall have the following minimum academic and professional qualifications:

- a. Master of urban and regional planning or public administration or comparable degree from an accredited university;
- b. Three years' experience in planning or zoning, including site plan review; and
- c. Minimum one year of supervisory experience.

(3) **Duties.** The development review coordinator shall have the following duties:

- a. To act as an ombudsman to applicants for development approval by facilitating and, to the extent possible, expediting, compliance with the requirements of these regulations;
- b. To serve as chair of the development review committee and to prepare for the director of planning's signature all preapplication conference letters of understanding;
- c. To work with regional, state and federal permitting agencies;
- d. To determine the completeness of applications for conditional use and plat approval;
- e. To cause publication of notice of hearings on conditional use or plat approval applications;
- f. To issue conditional use permits after approval by decision-making bodies; and
- g. To deliver final plats to the county clerk for recording after approval.

(d) **Development review committee.**

(1) **Creation and composition.** The development review committee shall be composed of the director of planning, the development review coordinator, the directors of the county's public works department, health department, the county engineer, the county biologist and any other county employee or official designated by the county administrator or the planning director. The development review committee also should include representatives of each local, regional, state or federal agency that has entered into an intergovernmental agreement with the county for coordinated development review. A representative of the department of community affairs shall serve as an ex officio member of the development review committee as long as the county is located within an area of critical state concern.

(2) **Duties.** The development review committee shall have the following duties:

- a. To meet at least twice a month to consider such business as is prescribed by this article including:
 - 1. Meeting with any developer at a preapplication conference when requested or required pursuant to the provisions of this chapter;
 - 2. Reviewing all applications for development approval and reporting its recommendations to the planning commission, the board of county commissioners and the planning director; and
 - 3. Reviewing all applications for amendments to the plan.

- b. To maintain such minutes and records as are required by state law.
- c. Any action reviewing a permit application shall not preclude the applicant's right to be present when his project is discussed before this body.

(e) Building official.

(1) Creation and appointment. The building official shall be selected by the director of planning and report to the county administrator through the director.

(2) Jurisdiction, authority and duties. In addition to the jurisdiction, authority and duties that may be conferred on the building official by other provisions of this Code, the building official shall have the following jurisdiction, authority and duties:

- a. To issue and revoke building permits in accordance with the procedures of this chapter;
- b. To issue and revoke certificates of occupancy in accordance with the procedures of this chapter;
- c. To serve on the development review committee;
- d. To enforce the provisions of this chapter;
- e. To determine the extent of damage or destruction of nonconforming uses and structures, in cooperation with the director of planning;
- f. To review building permit applications for repair within areas of special flood hazard to determine that the proposed repair satisfies the requirements of the floodplain management provisions of this chapter;
- g. To review building permit applications for new construction or substantial improvement within areas of special flood hazard to ensure that the proposed construction (including prefabricated and mobile homes) satisfies the floodplain management requirements of this chapter;
- h. To advise permittees that additional federal or state permits may be required, and if specific federal or state permits are known to have been issued, to require that copies of such permits be obtained and provided and maintained on file with the building permit application;
- i. To notify adjacent communities and the Florida Department of Community Affairs prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to the Federal Emergency Management Agency;
- j. To ensure that maintenance is provided within the altered or relocated portion of a watercourse so that the flood-carrying capacity is not diminished;
- k. To verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- l. To verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed;
- m. In coastal high-hazard areas, to review certifications obtained from registered professional engineers or architects that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash;
- n. To make interpretations, as needed, as to the exact location of boundaries of the areas of special flood hazard;
- o. When base flood elevation data has not been provided in accordance with